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F.#2015R00506

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2015 APR -6 PM 4:11

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

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UNITED STATES OF AMERICA

INDICTMENT

- against -

JAROSLAW POGODA,

Defendant.

**CR 15 - 00170**  
Cr. No. \_\_\_\_\_  
(T. 18, U.S.C., §§ 2252(a)(2),  
2252(a)(4)(B), 2252(b)(1),  
2252(b)(2), 2253 and 3551 et  
seq.; T. 21, U.S.C., § 853(p))

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AMON, CH.J.

THE GRAND JURY CHARGES:

POLLAK, M.J.

COUNT ONE  
(Distribution of Child Pornography)

1. In or about February 2015, within the Eastern District of New York and elsewhere, the defendant JAROSLAW POGODA did knowingly and intentionally distribute visual depictions, to wit, the images depicted in the following computer files: (a) 0yo-g-07-01.jpg; (b) baby girl riding dads dick 2.jpg; (c) \_hr\_tiny girls005.jpg; (d) Megan gets Pussy spread.jpg; and (e) 000006.avi, using a means and facility of interstate and foreign commerce, and which visual depictions had been mailed, and shipped and transported in and affecting interstate and foreign commerce, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT TWO  
(Receipt of Child Pornography)

2. In or about February 2015, within the Eastern District of New York, the defendant JAROSLAW POGODA did knowingly and intentionally receive one or more visual depictions, to wit, the images depicted in the following computer files: (a) 0yo-g-07-01.jpg; (b) baby girl riding dads dick 2.jpg; (c) \_hr\_tiny girls005.jpg; (d) Megan gets Pussy spread.jpg; and (e) 000006.wav, using a means and facility of interstate and foreign commerce, and which visual depictions had been mailed, and shipped and transported in and affecting interstate and foreign commerce, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT THREE  
(Possession of Child Pornography)

3. On or about March 17, 2015, within the Eastern District of New York, the defendant JAROSLAW POGODA did knowingly and intentionally possess matter containing one or more visual depictions, to wit: videos and images on a hard drive S/N WCAY00169057, which visual depictions had been mailed, and shipped and transported in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce, and which were produced using materials which had been mailed, and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS ONE, TWO, AND THREE**

4. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253, of: (a) any visual depiction described in Sections 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18, United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses of conviction; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses of conviction, or any property traceable to such property, including, but not limited to:

- a. One (1) hard drive S/N 5YXOK3Q9;
- b. One (1) black colored Nexus cellphone
- c. One (1) computer tower incl. hard drive S/N WCAY00169057
- d. One (1) Seagate external hard drive S/N Q11061506PW
- e. Twenty-five (25) CDs

all seized from the defendant's residence on or about March 17, 2015.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853(p))

A TRUE BILL

A handwritten signature in black ink, appearing to be "J. A. [unclear]", written over a horizontal line.

FOREPERSON

A handwritten signature in black ink, appearing to be "Loretta E. Lynch", written over a horizontal line.

LORETTA E. LYNCH  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No.

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

- *against* -

JAROSLAW POGODA,

Defendant.

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**INDICTMENT**

(T. 18, U.S.C., §§ 2252(a)(2), 2252(a)(4)(B), 2252(b)(1),  
2252(b)(2), 2253 and 3551 *et seq.*; T. 21, U.S.C., § 853(p))

*A true bill.*

*Foreman*

*Filed in open court this* \_\_\_\_\_ *day,*

*of* \_\_\_\_\_ *A.D. 20* \_\_\_\_\_

*Clerk*

*Bail, \$* \_\_\_\_\_

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*Moir Kim Penza, Assistant U.S. Attorney (718-254-6454)*